



WEB COPY



W.P. No. 28737 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 01.11.2022**

**CORAM**

**THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU**

**W.P. No. 28737 of 2022**

**and**

**W.M.P. No. 28031 of 2022**

Rasheen Farook

... Petitioner

-VS-

1. The Joint Commissioner,  
Hindu Religious & Charitable Endowment,  
Nagapattinam.

2. The Executive Officer,  
Arulmighu Bava Oushadheeswara Swami Thirukovil,  
Thiruthuraipoondi,  
Thiruvarur District.

... Respondents

**Prayer:-** Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records in relation to the impugned proceedings of the First Respondent in M.P. No. 44 of 2021 dated 26.12.2019 for evicting the Petitioner from land comprised in S. No. 184/5 (New No. 184/12), Thiruthuraipoondi Revenue Village and Town, Thiruvarur District and consequential interim order dated 29.09.2022 passed by the First Respondent in M.P. No. 44 of 2021 and quash the same as unconstitutional arbitrary and without jurisdiction.



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For Petitioner : Mr. S.Senthil  
For Respondents : Mr. N.R.R.Arun Natarajan,  
Special Government Pleader (for R1)  
Mr. R.Bharanidharan (for R2)

## ORDER

Heard Mr. S.Senthil, Learned Counsel for the Petitioner, Mr. N.R.R.Arun Natarajan, Learned Special Government Pleader, who takes notice for the First Respondent, and Mr. R.Bharanidharan, Learned Counsel, who takes notice for the Second Respondent, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition challenges the interim order dated 29.09.2022 in M.P. No. 44 of 2021 passed by the First Respondent for protecting the property as a temporary measure till final decision in taken in that matter.

3. It is the case of the Petitioner that the property exclusively belongs to him and he has been prejudicely affected by the impugned order. Having due regard to the fact that the impugned order has passed an interim measure to



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protect the property from encroachment, which is in the interests of both the Petitioner and the Second Respondent, there does not appear to be any necessity to interfere with the same at this pre-mature stage. However, it is made clear that the impugned order shall not be construed as conferring any exclusive title on the Temple of the Second Respondent, which would have to be determined in appropriate legal proceedings in accordance with law.

4. It is represented by Learned Counsel appearing for the Second Respondent that the fence put up in the property has been removed by the Petitioner. The Second Respondent may take necessary steps for restoring the same as per the impugned order and the Petitioner shall not interfere with it.

In fine, the Writ Petition is disposed with the aforesaid clarifications. Consequently, the connected Miscellaneous Petition is closed. No costs.

01.11.2022

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Index: Yes/No

**Note: Issue order copy by 23.11.2022.**



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To

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**P.D. AUDIKESAVALU, J.**

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